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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,101	08/04/2003	Junichi Kurihara	450100-04706	5863
<div>7590 05/16/2007 William S. Frommer, Esq. FROMMER LAWRENCE & HAUG LLP 745 Fifth Avenue New York, NY 10151</div>			<div>EXAMINER WEINTROP, ADAM S</div>	
			<div>ART UNIT 2109</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE 05/16/2007</div>	<div>DELIVERY MODE PAPER</div>

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/634,101

Applicant(s)

KURIHARA, JUNICHI

Examiner

Adam S. Weintrop

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>7/5/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. **Claims 1-7** are objected to because of the following informalities:

Regarding **claim 1**, the term "the corresponding user" on lines 12-13 has not been defined and should be replaced with --a corresponding one of the users-- to improve the clarity of the claim.

Regarding **claim 6**, the term "the corresponding user" on lines 23-24 has not been defined and should be replaced with --a corresponding one of the users-- to improve the clarity of the claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1-2 and 4-6** are rejected under 35 U.S.C. 102(b) as being anticipated by Kurihara (EP 1 164 503 A2).

Regarding **claim 1**, Kurihara anticipates:

A content delivery system for connecting terminal apparatuses of users to a

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content management unit of a service provider managing a plurality of contents via a computer network (Abstract), said service provider delivering said contents to said users over said computer network (Abstract), said content management unit comprising:

content file storing means for storing files of said contents (column 2, lines 14-17, with storing of files);

user-oriented content storing means in which a user area of a predetermined size is allocated to each of said users for the storage of a content owned by the corresponding user (column 2, lines 35-37, with an area for storing assigned to each user);

file managing means for managing the content files stored in said content file storing means and the contents stored in the user areas of said user-oriented content storing means (column 2, lines 34-34, with managing the content library and lines 37-38 for managing the storing means); and

content delivering means for providing said users with streaming delivery of said contents stored in said user areas (column 13, lines 13-16, with the stream being reproduced and sent to the user);

wherein each of said users is charged a usage fee proportional to the user area size allocated to the corresponding user in said user-oriented content storing means (column 6, lines 41-44, with the user being charged corresponding to the size of the user area).

Regarding **claim 2**, Kurihara anticipates:

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The content delivery system of claim 1, wherein said content files are moving picture files (column 11, lines 27-32, with the video folder storing video content, seen as moving pictures).

Regarding **claims 4 and 5**, Kurihara anticipates:

The content delivery system according to claim 1, wherein a copied content file is stored into said user area of a given user as the content owned by the corresponding user and wherein a link file linked to a content file is stored into said user area of a given user in lieu of the content owned by the corresponding user (column 7, lines 28-31 and lines 39-42, where the content can be copied into the user area or simply linked to from the user area).

Regarding **claim 6**, Kurihara anticipates:

A content delivery apparatus comprising:

content file storing means for storing a plurality of content files (column 2, lines 14-17, with storing of files);

user-oriented content storing means in which a user area of a predetermined size is allocated to each of users for the storage of a content owned by the corresponding user (column 2, lines 35-37, with an area for storing assigned to each user), the user area size being subject to charging of a usage fee (column 6, lines 41-44, with the user being charged corresponding to the size of the user area);

file managing means for managing the content files stored in said content file storing means and the contents stored in the user areas of said user-oriented

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content storing means (column 2, lines 34-34, with managing the content library and lines 37-38 for managing the storing means); and

content delivering means for providing said users with streaming delivery of said contents stored in said user areas (column 13, lines 13-16, with the stream being reproduced and sent to the user).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 3 and 7** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurihara (EP 1 164 503 A2) in view of Parulski et al. (US 6,629,104).

Regarding **claim 3**, Kurihara discloses all of the limitations as described above including displaying content on a streaming screen to a user (Figure 10, and column 12, lines 21-26, with the streaming reproduction of content after a user clicks on a thumbnail). Kurihara does not disclose superposing personal information about a given user onto the screen. The general concept of adding a user name to a picture in a processing system is well known in the art as illustrated by Parulski et al. Parulski et al. teaches that names or other titles can be systematically added to any picture document and then can be stored or displayed (Figure 6, with the current labels being displayed about a certain picture, seen as personal information being displayed in a superposed

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fashion on a screen of the delivered content). It would have been obvious to one of ordinary skill in the art at the time of invention to modify Kurihara's streaming screen with superposed personal information regarding users as part of picture processing as taught by Parulski et al. in order to better classify retrieved content provided by the user as noted in Parulski et al.'s disclosure on column 1, lines 47-50.

Regarding **claim 7**, Kurihara discloses all of the limitations as described above including having the content consist of moving picture files (column 11, lines 27-32, with the video folder storing video content, seen as moving pictures) and displaying content on a streaming screen to a user (Figure 10, and column 12, lines 21-26, with the streaming reproduction of content after a user clicks on a thumbnail). Kurihara does not disclose superposing personal information about a given user onto the screen and then delivering the content after the processing. The general concept of adding a user name to a picture in a processing system is well known in the art as illustrated by Parulski et al. Parulski et al. teaches that names or other titles can be systematically added to any picture document and then can be stored or displayed (Figure 6, with the current labels being displayed about a certain picture, seen as personal information being displayed in a superposed fashion on a screen of the delivered content, and this is displayed after the processing takes place). It would have been obvious to one of ordinary skill in the art at the time of invention to modify Kurihara's streaming screen with superposed personal information regarding users as part of picture processing as taught by Parulski et al. in order to better classify retrieved content provided by the user as noted in Parulski et al.'s disclosure on column 1, lines 47-50.

Conclusion

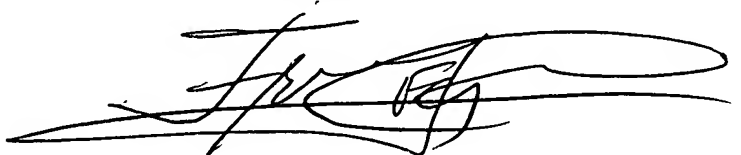
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam S. Weintrop whose telephone number is 571-270-1604. The examiner can normally be reached on Monday through Friday 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frantz Jules can be reached on 571-272-6681. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AW 5/11/07

FRANTZ JULES
SUPERVISORY PATENT EXAMINER

A handwritten signature in black ink, appearing to be 'Frantz Jules', written over a horizontal line.

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